

ENVIRONMENTAL REVIEW COMMITTEE REPORT

ERC MEETING DATE: August 30, 2010

Project Name: Barbee Mill Watercraft Lifts

Owner: Barbee Mill Company, 3905 Lake Washington Blvd. N., Renton, WA 98056

Applicant: Robert Cugini, Barbee Mill Company, 3905 Lake Washington Blvd. N., Renton, WA 98056

Contact: Alan Foltz, Waterfront Construction, Inc., 205 Northlake Way, Suite 230, Seattle, WA 98105

File Number: LUA10-050, ECF, SM, SMC

Project Manager: Gerald Wasser, Associate Planner

Project Summary: The applicant requests SEPA Review for the installation of two 10-foot by 14-foot freestanding boatlifts, one 10-foot by 20-foot freestanding boatlift with a fully grated platform, and one dock-mounted jet ski lift in association with an existing joint use dock which serves three single-family residential lots in the R-8 zone. Each of the freestanding watercraft lifts would rest directly on the lake bottom on four 12-inch by 12-inch footpads. The existing fully-grated 118-foot 6-inch dock is comprised of a ramp (4 feet, 6 inches in width, and 31 feet long), and dock (7 feet, 10 3/4-inches in width and 86 feet, 6-inches in length) with two (7-foot 2-inch wide by 27-foot long) fully-grated finger docks. The proposed project also encompasses the removal of six 12-inch diameter creosote-treated wood piles and replacing them with two vibratory pile-driven 12-inch diameter steel piles. All work would take place within the Washington Department of Fish and Wildlife fish window for this section of Lake Washington, July 16 through December 31.

Project Location: 3905 Lake Washington Blvd. N.

Existing Dock. Area SF:	Approx 1,200 sf	Proposed New Dock Area (footprint):	N/A
		Proposed New Dock. Area (gross):	N/A

Site Area:	8,870 sf	Total Building Area GSF:	N/A
-------------------	----------	---------------------------------	-----

STAFF RECOMMENDATION: Staff Recommends that the Environmental Review Committee issue a Determination of Non-Significance - Mitigated (DNS-M).



PART ONE: PROJECT DESCRIPTION / BACKGROUND

The applicant, Robert Cugini, requests Environmental (SEPA) Review, approval of a Shoreline Substantial Development Permit, and a Shoreline Conditional Use Permit for the installation of two 10-foot by 14-foot freestanding boatlifts, one 10-foot by 20-foot freestanding boatlift, and one dock-mounted jet ski lift. The boatlifts would be pre-manufactured and would be uncovered. Both the freestanding boat and platform lifts would each rest on four 12-inch square footpads directly on the lake bottom. The freestanding platform boatlift would have a fully grated platform that would allow an intermediate level for safe boarding of smaller watercraft vessels during the approximately 8 months of the year when the lake is at low water levels. All of the proposed watercraft lifts would be in association with an existing 118-foot, 6-inch long fully-grated dock comprised of a ramp (4 feet, 6 inches in width, and 31 feet long), and dock (7 feet, 10 3/4-inches in width and 86 feet, 6-inches in length) with two (7-foot 2-inch wide by 27-foot long) finger docks. The dock serves three detached single-family residences on Lake Washington Boulevard North (3905, 3907, 3909, and 3979 Lake Washington Boulevard North). The proposal is located within the waters of Lake Washington, a Shoreline of Statewide Significance. The proposal also includes the removal of six 12-inch diameter creosote treated wood piles (two dolphins with configurations of three piles each) that would be replaced with two 12-inch steel piles. A vibratory extraction/insertion system would be used for this activity, and the applicant proposes to install an in-water silt curtain for containment. Delivery of the lifts would be accomplished via construction barge. Installation of the watercraft lifts would take approximately one to three days, and would be conducted during the Washington State Department of Fish and Wildlife fish window for this section of Lake Washington, July 16 through December 31.

Questions and comments were received from the Muckleshoot Indian Tribes Fisheries Division. These questions and comments dealt with the existing previously approved joint use dock, the platform boatlift, and the removal of creosote treated pilings and their replacement with steel piles. Responses were made under separate cover and are included as Exhibit 6 of this report.

A Shoreline Variance for the existing joint-use dock was approved by the Hearing Examiner in 2002 (LUA01-015, ECF, SMV) for use by three abutting properties. On January 24, 2003 the City issued a Shoreline Substantial Development Permit for the dock.

PART TWO: ENVIRONMENTAL REVIEW

In compliance with RCW 43.21C.240, the following environmental (SEPA) review addresses only those project impacts that are not adequately addressed under existing development standards and environmental regulations.

A. Environmental Threshold Recommendation

Based on analysis of probable impacts from the proposal, staff recommends that the Responsible Officials:

Issue a DNS-M with a 14-day Appeal Period.

B. Mitigation Measures

1. A hanging silt containment curtain shall be installed around the project area prior to commencement of work and shall remain in place until project completion
2. Construction shall take place only during the Washington State Department of Fish and Wildlife approved construction window for this portion of Lake Washington, from July 16 through December 31.

C. Exhibits

Exhibit 1	Neighborhood Detail Map
Exhibit 2	Plot Plan
Exhibit 3	Detail View and Elevation View
Exhibit 4	Zoning Map
Exhibit 5	Aerial Photo
Exhibit 6	Muckleshoot Indian Tribes Questions and Planning Division Responses

D. Environmental Impacts

The Proposal was circulated and reviewed by various City Departments and Divisions to determine whether the applicant has adequately identified and addressed environmental impacts anticipated to occur in conjunction with the proposed development. Staff reviewers have identified that the proposal is likely to have the following probable impacts:

1. Water (Streams/Lakes)

Impacts: The project is proposed over the waters of Lake Washington within the designated Inner Harbor area. Lake Washington is a Shoreline of Statewide Significance and is included as a Shoreline of the State. The shoreline designation for Lake Washington at this location is "Urban Environment" (RMC 4-3-090G). Lake Washington is a perennial salmonid-bearing body of water. May Creek, also a Shoreline of Statewide Significance, is located to the north of the proposed project approximately 240 feet. The project as proposed would not adversely affect May Creek.

The applicant submitted a Lake Study for the Barbee Mill Community Dock Project (LUA08-028 ECF, SM) prepared by Marine Surveys & Assessments and dated March 20, 2008. Because this Lake Study was completed for a property in proximity to the subject site, staff has accepted it with modifications made by the applicant (letter dated July 22, 2010 by Waterfront Construction) as a valid representation of this section of Lake Washington conforming to the requirements for Stream and Lake Studies (per RMC 4-8-120A).

The proposed watercraft installation as well as removal of six creosote treated wood piles and replacement with two steel piles would occur on lands covered by water. Therefore, sediments could be dispersed within the lake, potentially affecting water quality of the lake. The Construction Mitigation Description submitted for the proposal indicates that all materials, equipment, and personnel would arrive at the site via construction barge. The removed creosote treated piles would immediately be placed on the construction barge and transported to an acceptable receiving facility for disposal.

Staff recommends as a mitigation measure that a hanging silt curtain be installed prior to the commencement of installation activities, in order to contain any suspended sediments resulting from the watercraft installation and vibratory pile insertion/extraction activities. Such silt containment curtain shall remain in place until work has been completed.

Mitigation Measures: A hanging silt containment curtain shall be installed around the project area prior to commencement of work and shall remain in place until project completion.

Nexus: SEPA Environmental Regulations, Shoreline Master Program.

2. Wildlife

Impacts: While the Lake and Stream Study submitted with the project application was evaluated for the Barbee Mill Community Dock Project to the north, its description of wildlife in this area is pertinent to the proposed project. Bird species observed near the project site include hawks, herons, eagles, quail, osprey, cormorants and songbirds. Salmonids observed near the site and known to be present in southern Lake Washington include Puget Sound Chinook salmon, Coho salmon, sockeye salmon, steelhead trout, bull trout, and cutthroat trout. Puget Sound Chinook, Puget Sound steelhead and bull trout are all listed as threatened under the Endangered Species Act (ESA).

In order to diminish or eliminate impacts to wildlife, especially salmonids, the Washington State Department of Fish and Wildlife has established a construction window for this portion of Lake Washington. The construction window allows for overwater construction to occur only between July 16 and December 31. Staff recommends as a mitigation measure that the applicant be required to adhere to the Washington State Department of Fish and Wildlife approved construction window for this portion of Lake Washington when installing the boat lifts, and when installing or removing the piles.

The proposed project includes the installation of watercraft lifts in association with an existing fully-grated joint use dock. In addition to the watercraft lift installation, the applicant is also proposing to replace six creosote-treated piles with two steel piles. A hanging silt containment curtain would be installed (see Section 1. Water, above). The silt containment curtain is expected to minimize impacts of suspended sediments to fish species as a result of installation activities associated with the proposed project.

In addition previous site mitigation was required during permitting and construction of the existing pier. This includes planting in the nearshore area, addition of spawning gravels, and piers with grating to allow light transmission. The removal of the creosote coated wood pilings and replacement with steel piles is considered to be a beneficial impact, offsetting impacts to wildlife resulting from the installation of the watercraft lifts.

Comments regarding the previously permitted joint-use dock (LUA01-015, ECF, SV) and the current proposal were received from Muckleshoot Indian Tribes Fisheries Division. Specifically, the Tribe requested verification that previous mitigation (planting of shoreline vegetation) was accomplished. The applicant and owner have responded via email to the Tribe (Exhibit 6), verifying that plantings were done in compliance for the previous U.S. Army Corps of Engineers permit (#200200724). In addition, monitoring of the health of the plants occurs on a regular basis, as has replacement of plantings that have been damaged by a resident beaver. The Tribe also comments on the need for the replacement of dolphins with steel piles, and the need for a new grated watercraft platform lift. The replacement piles are intended to help protect the moorage from

winter storms (with prevailing southwest winds). The platform lift is considered to be necessary to allow residents to board watercraft during times that the lake level is lowered. As the platform is fully grated, no additional impact is anticipated. Therefore, no further mitigation is required.

Mitigation: Construction shall take place only during the Washington State Department of Fish and Wildlife approved construction window for this portion of Lake Washington, from July 16 through December 31.

Nexus: SEPA Environmental Regulations

3. Noise

Impacts: Construction activities associated with the project would result in short term noise impacts. A diesel powered tug boat with barge-mounted crane would be delivered to the site in order to install the pre-fabricate watercraft lifts. In addition, a diesel powered vibratory driver would be used for both extraction of the existing dolphin piles and installation of the two new steel piles. Both the tug and vibratory driver would have muffled exhaust systems to reduce noise impacts to surrounding areas. The duration of work is expected to be 1 to 3 days, further diminishing noise impacts resulting from construction activities. Vibratory pile hammers are generally used in situations where noise is a concern, as in residential areas. The vibration rates range from 1200 to 2400 vibrations per minute and result in substantially less noise than traditional pile driving activities.

Mitigation Measures: No further mitigation required.

Nexus: N/A

4. Aesthetics

Impacts: The addition of the four watercraft lifts to the existing joint-use pier would add elements that would sit approximately 3 feet above the water level. The watercraft lifts would not be covered, and are not expected to adversely affect views in the surrounding residential area. The two boat lifts and one jet ski lift would parallel the existing finger piers on the dock, and would be an expected view to an observer. The proposed platform lift would appear to be an extension of the existing pier, and is proposed closest to the shoreline. This lift would be fully grated, allowing light passage to the water below.

Mitigation Measures: None required.

Nexus: N/A

E. Comments of Reviewing Departments

The proposal has been circulated to City Department and Division Reviewers. Where applicable, their comments have been incorporated into the text of this report and/or "Advisory Notes to Applicant."

- ✓ **Copies of all Review Comments are contained in the Official File and may be attached to this report.**

Environmental Determination Appeal Process: Appeals of the environmental determination must be filed in writing on or before 5:00 PM, September 17, 2010.

Renton Municipal Code Section 4-8-110.B governs appeals to the Hearing Examiner. Appeals must be filed in writing at the City Clerk's office along with the required fee. Additional information regarding the appeal process may be obtained from the City Clerk's Office, Renton City Hall - 7th Floor, 1055 S. Grady Way, Renton WA 98057.

ADVISORY NOTES TO APPLICANT

The following notes are supplemental information provided in conjunction with the administrative land use action. Because these notes are provided as information only, they are not subject to the appeal process for the land use actions.

Planning:

1. The site is designated Residential Single Family in the City's Comprehensive Plan. The site is zoned Residential – 8 dwelling units per acre (R-8).
2. The Shoreline Master Program Designation is "Urban".
3. Construction activities shall be restricted to the hours between 7:00 am and 8:00 pm, Monday through Friday. Work on Saturdays shall be between the hours of 9:00 am and 8:00 pm. No work shall be permitted on Sundays.
4. The approved State of Washington Department of Fish and Wildlife (WDFW) fish window is from July 16 through December 31.
5. Project requires approval of a Shoreline Conditional Use Permit for the watercraft lifts.
6. Existing Joint Use Pier was previously approved (LUA01-015, ECF, SV).
7. Previous conditions of approval continue to apply to the existing pier and to the addition of the boat lifts.

Plan Review

1. The properties are served by the City of Renton Water Utility.
2. Cross connection control, inspection, and certification is required for any water service to the dock.
3. A water service permit is required if water service is extended to the dock.
4. The properties are served by the City of Renton Wastewater Utility.
5. The parcels have onsite drainage to Lake Washington. No further facilities are triggered by this proposal.
6. All plans shall conform to the Renton Drafting standards.
7. For any utility work, a construction permit is required. When plans are complete, submit three (3) copies of the drawings, a construction estimate, application and appropriate fee to the 6th floor Customer Counter at City Hall.

City of Renton
Division

170

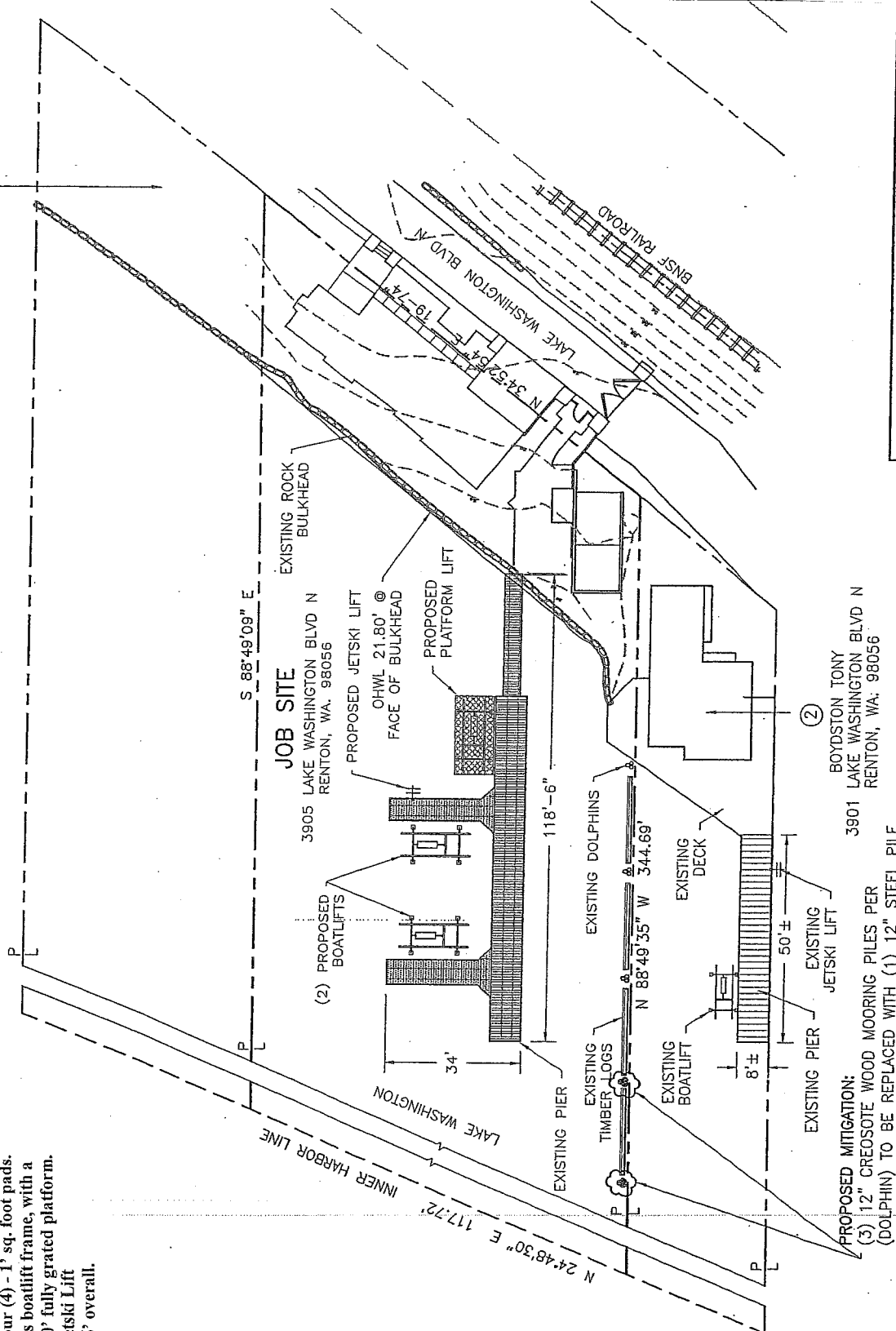
RECEIVED



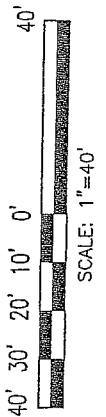
THIS DOCUMENT IS PROPRIETARY PROPERTY OF WATERFRONT CONSTRUCTION INC., AND IS NOT TO BE USED, IN WHOLE OR IN PART, FOR ANY OTHER PROJECT WITHOUT THE WRITTEN AUTHORIZATION OF WATERFRONT CONSTRUCTION INC.

BARBEE FOREST PRODUCTS INC
3907 LAKE WASHINGTON BLVD N
RENTON, WA, 98056

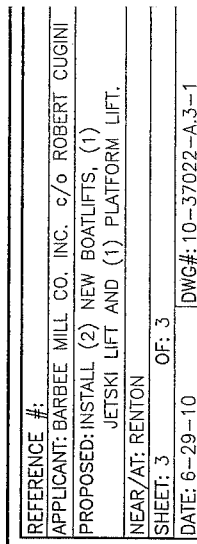
Boatlift frames are 10' x 14' overall with four (4) - 1' sq. foot pads. Platform Lift uses boatlift frame, with a 10' x 20' fully grated platform. Dock mounted Jetski Lift Framing is 4' x 6' overall.



PLOT PLAN



REFERENCE #:	
APPLICANT: BARBEE MILL CO. INC. c/o ROBERT CUGINI	
PROPOSED: INSTALL (2) NEW BOATLIFTS, (1) JETSKI LIFT AND (1) PLATFORM LIFT.	
NEAR/AT: RENTON	
SHEET: 2	OF: 3
DATE: 6-29-10	DWG#: 10-37022-A-2-1

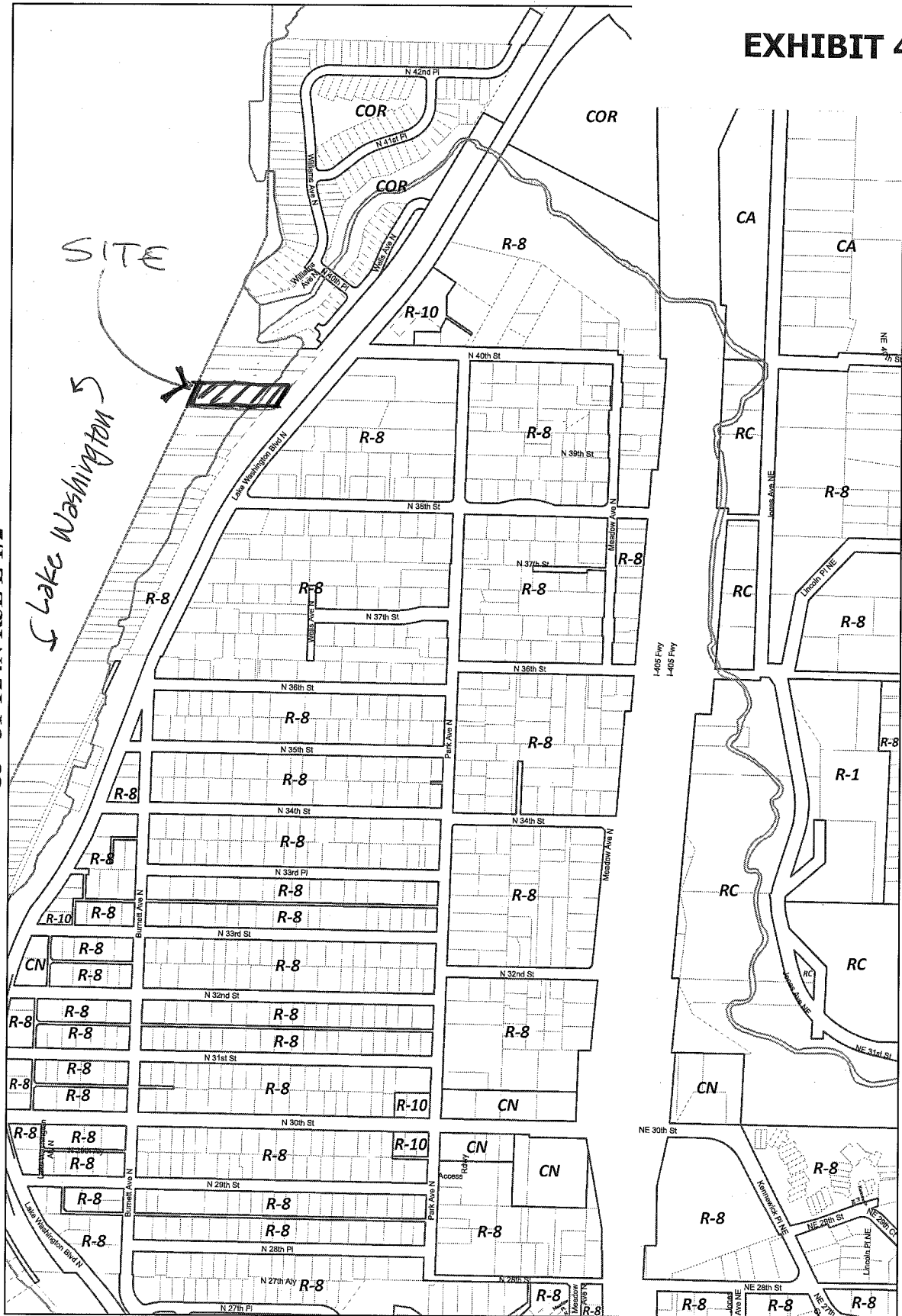


B4 - 29 T24N R5E W 1/2

EXHIBIT 4

C3 - 31 T24N R5E E 1/2

C4 - 32 T24N R5E E 1/2

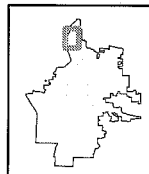


ZONING MAP BOOK
PW TECHNICAL SERVICES
PRINTED ON 11/13/09

This document is a graphic representation, not
guaranteed to survey accuracy, and is based on
the best information available as of the date shown.
This map is intended for City display purposes only.

City of
Renton

D4 - 05 T23N R5E W 1/2

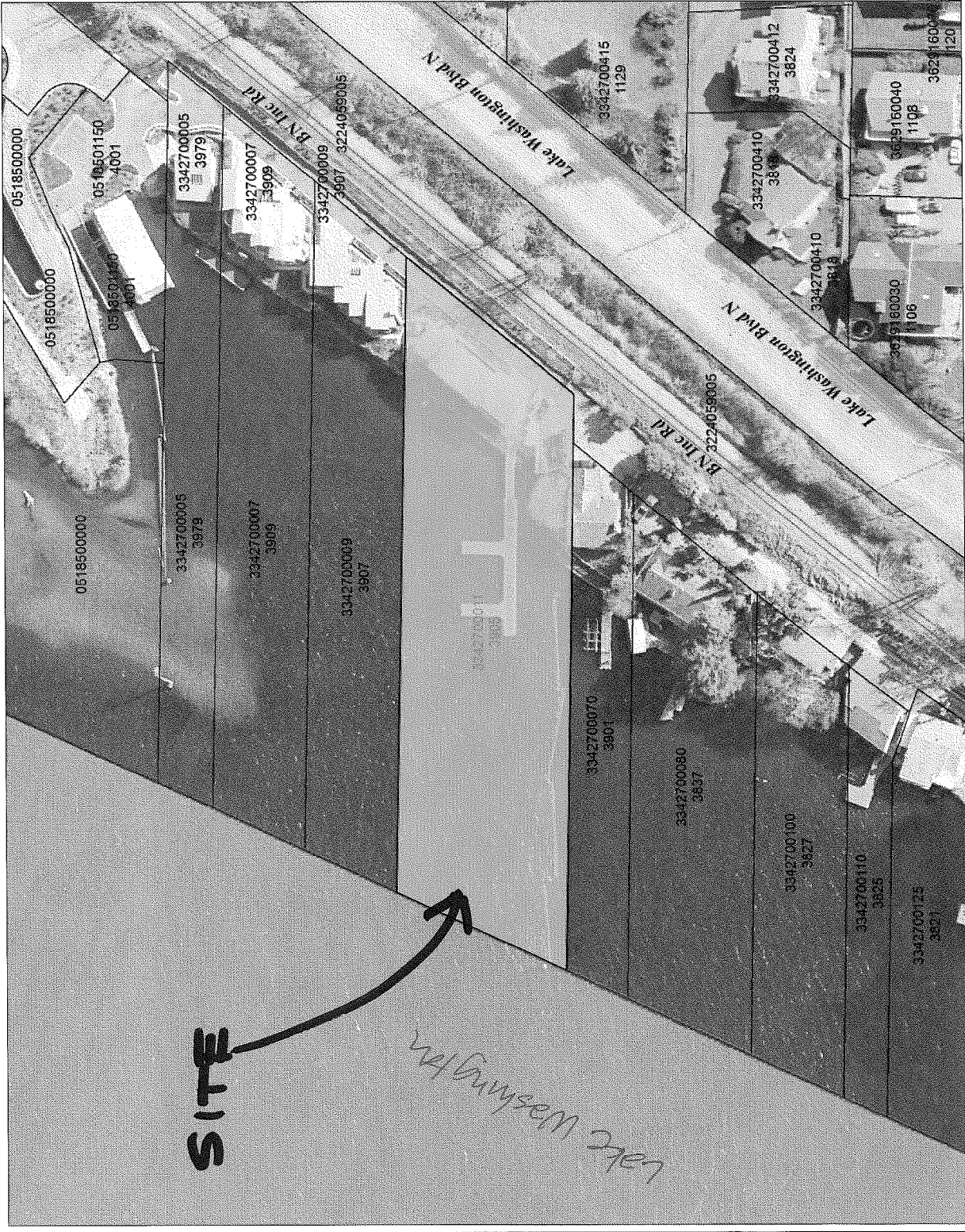
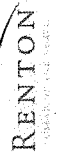


0 200 400
Feet
1:4,800

32 T24N R5E W 1/2

C4

Barbee Mill Watercraft Lifts, LUA10-050, ECF, SM, SMC

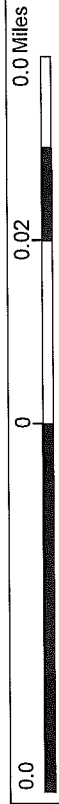


- Legend**
- Lakes and Rivers
 - Parcels
 - Street Names
 - Rights of Way
 - Streets
 - Roads
 - Jurisdictions
 - Bellevue
 - Des Moines
 - Issaquah
 - Kent
 - King County
 - Mercer Island
 - Newcastle
 - RENTON
 - SeaTac
 - Seattle
 - Tukwila
 - sid2.sid
 - Red: Bank
 - Green: Bank
 - Blue: Bank

EXHIBIT 5

1:1,131
@ 8.5" x 11"

Notes
Enter Map Description



This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
THIS MAP IS NOT TO BE USED FOR NAVIGATION

From: Karen Walter [KWalter@muckleshoot.nsn.us]
Sent: Friday, August 20, 2010 3:08 PM
To: Gerald Wasser
Subject: Barbee Mill Watercraft lifts (at Cugini Joint Use Pier), Notice of Application and Proposed Determination of Non-Significance -Mitigated

Mr. Wasser,

In response to the City's Notice of Application materials for the above referenced project, we are submitting the questions and initial comments to this project that we previously sent in response to the Letter of Permission Notice from the Corps of Engineers. We have not yet received a response to these questions about the project; therefore, it is prudent to send them to City as well since there was no new information in the City's packet to answer the questions we raised below.

The existing dock project described below was permitted by the City via permit # LUA01-015.

We appreciate the opportunity to review this proposal. Please let me know if you have any questions.

Thank you,
Karen Walter
Watersheds and Land Use Team Leader

Muckleshoot Indian Tribe Fisheries Division
39015 172nd Ave SE
Auburn, WA 98092
253-876-3116

From: Karen Walter
Sent: Monday, August 09, 2010 4:37 PM
To: Susan Powell
Subject: LOP NWS-2010-904, Barbee Mill Company boatlifts

Susan,

The Muckleshoot Indian Tribe Fisheries Division has reviewed the above referenced Letter of Permission to install two boatlifts, a jetski lift and a platform lift to provide private boat moorage to four residences. We have some questions about this project and an initial comment as noted below:

1. Previously, the Corps issued a 404 permit to construct a joint-use pier and ramp to serve three waterfront lots and plant native shoreline vegetation under permit 200200724 (Cugini). Were the native plants actually planted and is there a copy of the as-built drawings and/or monitoring plans for these plants? If so, we would appreciate a copy of these documents to verify the previous mitigation required for the pier and ramp.
2. As noted in the question above, the original joint pier was constructed to serve three waterfront lots. The pending Corps permit is to provide moorage for four residences. Where exactly are the four residences that will obtain moorage if the latest Corps permit is approved?
3. As far as the proposed LOP is concerned, the project proposes to install a grated platform boatlift just past the existing ramp where the existing pier begins from the shore. While grated, this platform lift will result in more over/in-water coverage than the proposed freestanding boatlifts. Please explain why a third free standing boatlift without a platform cannot be used to provide moorage instead of the proposed platform lift. It seems the jetski lift could be relocated and a third freestanding boatlift without a platform could be constructed where the jetski lift is proposed, resulting in a project with less impact than what is proposed.
4. The proposed LOP project also is seeking to replace 3- 12 inch diameter creosote wood mooring piles per dolphin for the two outermost dolphins shown on Sheet 2 as mitigation. What is the purpose of the mooring piles and associated log booms? Do these dolphins need to be replaced anyway? Why not replace the two most landward dolphins to get rid of some of the vertical structure in the nearshore environment?

5. Instead of the replacing the two existing dolphins with a single 12 inch diameter steel pile, we recommend that all of the dolphin mooring piles and log boom structure shown along the southern edge of the property in Sheets 2 and 3 be removed as mitigation for the increase in overwater coverage as a result of the new lifts and their associated watercraft. This mitigation measure would reduce inwater structure that potentially provides salmon predators with ambush habitat while meeting the project's purpose since the new lifts will be providing moorage at the existing dock.

We appreciate the opportunity and look forward to the Corps responses to our comments. We may have additional comments subsequently. Please let me know if you have any questions.

Thank you,
Karen Walter
Watersheds and Land Use Team Leader

Muckleshoot Indian Tribe Fisheries Division
39015 172nd Ave SE
Auburn WA 98092
253-876-3116

Gerald Wasser

From: Karen Walter [KWalter@muckleshoot.nsn.us]
Sent: Friday, August 20, 2010 3:08 PM
To: Gerald Wasser
Subject: Barbee Mill Watercraft lifts (at Cugini Joint Use Pier), Notice of Application and Proposed Determination of Non-Significance -Mitigated

Mr. Wasser,

In response to the City's Notice of Application materials for the above referenced project, we are submitting the questions and initial comments to this project that we previously sent in response to the Letter of Permission Notice from the Corps of Engineers. We have not yet received a response to these questions about the project; therefore, it is prudent to send them to City as well since there was no new information in the City's packet to answer the questions we raised below.

The existing dock project described below was permitted by the City via permit # LUA01-015.

We appreciate the opportunity to review this proposal. Please let me know if you have any questions.

Thank you,
Karen Walter
Watersheds and Land Use Team Leader

Muckleshoot Indian Tribe Fisheries Division
39015 172nd Ave SE
Auburn, WA 98092
253-876-3116

From: Karen Walter
Sent: Monday, August 09, 2010 4:37 PM
To: Susan Powell
Subject: LOP NWS-2010-904, Barbee Mill Company boatlifts

Susan,

The Muckleshoot Indian Tribe Fisheries Division has reviewed the above referenced Letter of Permission to install two boatlifts, a jetski lift and a platform lift to provide private boat moorage to four residences. We have some questions about this project and an initial comment as noted below:

1. Previously, the Corps issued a 404 permit to construct a joint-use pier and ramp to serve three waterfront lots and plant native shoreline vegetation under permit 200200724 (Cugini). Were the native plants actually planted and is there a copy of the as-built drawings and/or monitoring plans for these plants? If so, we would appreciate a copy of these documents to verify the previous mitigation required for the pier and ramp.
2. As noted in the question above, the original joint pier was constructed to serve three waterfront lots. The pending Corps permit is to provide moorage for four residences. Where exactly are the four residences that will obtain moorage if the latest Corps permit is approved?
3. As far as the proposed LOP is concerned, the project proposes to install a grated platform boatlift just past the existing ramp where the existing pier begins from the shore. While grated, this platform lift will result in more over/in-water coverage than the proposed freestanding boatlifts. Please explain why a third free standing boatlift without a platform cannot be used to provide moorage instead of the proposed platform lift. It seems the jetski lift could be relocated and a third freestanding boatlift without a platform could be constructed where the jetski lift is proposed, resulting in a project with less impact than what is proposed.
4. The proposed LOP project also is seeking to replace 3- 12 inch diameter creosote wood mooring piles per dolphin for the two outermost dolphins shown on Sheet 2 as mitigation. What is the purpose of the mooring piles and associated log booms? Do these dolphins need to be replaced anyway? Why not replace the two most landward dolphins to get rid of some of the vertical structure in the nearshore environment?

5. Instead of the replacing the two existing dolphins with a single 12 inch diameter steel pile, we recommend that all of the dolphin mooring piles and log boom structure shown along the southern edge of the property in Sheets 2 and 3 be removed as mitigation for the increase in overwater coverage as a result of the new lifts and their associated watercraft. This mitigation measure would reduce inwater structure that potentially provides salmon predators with ambush habitat while meeting the project's purpose since the new lifts will be providing moorage at the existing dock.

We appreciate the opportunity and look forward to the Corps responses to our comments. We may have additional comments subsequently. Please let me know if you have any questions.

Thank you,
Karen Walter
Watersheds and Land Use Team Leader

Muckleshoot Indian Tribe Fisheries Division
39015 172nd Ave SE
Auburn WA 98092
253-876-3116

Gerald Wasser

From: Gerald Wasser
Sent: Thursday, August 26, 2010 10:32 AM
To: 'Karen Walter'
Cc: Jennifer T. Henning
Subject: FW: Barbee Mill Watercraft lifts (at Cugini Joint Use Pier), Notice of Application and Proposed Determination of Non-Significance -Mitigated
Attachments: Barbee Mill (1).htm; Mitigation documentation.htm

Hello Ms. Walter:

Thank you for your comments and questions on LUA10-050, Barbee Mill Watercraft Lifts. Your questions would more appropriately be answered by the Army Corps of Engineers. However, I have contacted Waterfront Construction, Inc. and they have provided me with emails which were sent to Susan Powell with responses to your questions and comments. I am forwarding the correspondence from Waterfront Construction, Inc. to you.

Should you have additional questions, please contact me.

Jerry

Gerald C. Wasser, Associate Planner
Department of Community & Economic Development
City of Renton
1055 South Grady Way
Renton, WA 98057
(425) 430-7382
FAX (425) 430-7300
gwasser@rentonwa.gov

From: Peter Zuvela [mailto:Peter@waterfrontconstruction.com]
Sent: Thursday, August 26, 2010 10:09 AM
To: Gerald Wasser
Cc: Alan Foltz
Subject: RE: Barbee Mill Watercraft lifts (at Cugini Joint Use Pier), Notice of Application and Proposed Determination of Non-Significance -Mitigated

Gerald,

Attached are two email strings from Alan Foltz regarding these same questions. The one titled "Barbee Mill (1)" is from Alan to Susan Powell with the Army Corps responding directly to Karen's questions below. The second is from Robert Cugini regarding the housing situation.

Hope this helps. Let me know if you need anything more from me.

Thanks,

Peter Zuvela
Permit Coordinator
Waterfront Construction, Inc.
205 NE Northlake Way, Suite 230
Seattle, WA 98105
Phone: (206) 548-9800
Fax: (206) 548-1022

From: Gerald Wasser [mailto:GWasser@Rentonwa.gov]

Sent: Thursday, August 26, 2010 9:09 AM

To: Peter Zuvela

Subject: FW: Barbee Mill Watercraft lifts (at Cugini Joint Use Pier), Notice of Application and Proposed Determination of Non-Significance -Mitigated

Hello Peter:

I am forwarding the comments (below) from Karen Walter at the Muckleshoot Indian Tribe Fisheries Division to you. I would like to respond to Karen Walter as early as possible this morning.

Gerald C. Wasser, Associate Planner
Department of Community & Economic Development
City of Renton
1055 South Grady Way
Renton, WA 98057
(425) 430-7382
FAX (425) 430-7300
gwasser@rentonwa.gov

From: Karen Walter [mailto:KWalter@muckleshoot.nsn.us]

Sent: Friday, August 20, 2010 3:08 PM

To: Gerald Wasser

Subject: Barbee Mill Watercraft lifts (at Cugini Joint Use Pier), Notice of Application and Proposed Determination of Non-Significance -Mitigated

Mr. Wasser,

In response to the City's Notice of Application materials for the above referenced project, we are submitting the questions and initial comments to this project that we previously sent in response to the Letter of Permission Notice from the Corps of Engineers. We have not yet received a response to these questions about the project; therefore, it is prudent to send them to City as well since there was no new information in the City's packet to answer the questions we raised below.

The existing dock project described below was permitted by the City via permit # LUA01-015.

We appreciate the opportunity to review this proposal. Please let me know if you have any questions.

Thank you,
Karen Walter
Watersheds and Land Use Team Leader

Muckleshoot Indian Tribe Fisheries Division
39015 172nd Ave SE
Auburn, WA 98092
253-876-3116

From: Karen Walter

Sent: Monday, August 09, 2010 4:37 PM

To: Susan Powell

Subject: LOP NWS-2010-904, Barbee Mill Company boatlifts

Susan,

The Muckleshoot Indian Tribe Fisheries Division has reviewed the above referenced Letter of Permission to install two boatlifts, a jetski lift and a platform lift to provide private boat moorage to four residences. We have some questions about this project and an initial comment as noted below:

1. Previously, the Corps issued a 404 permit to construct a joint-use pier and ramp to serve three waterfront lots and plant native shoreline vegetation under permit 200200724 (Cugini). Were the native plants actually planted and is there a copy of the as-built drawings and/or monitoring plans for these plants? If so, we would appreciate a copy of these documents to verify the previous mitigation required for the pier and ramp.
2. As noted in the question above, the original joint pier was constructed to serve three waterfront lots. The pending Corps permit is to provide moorage for four residences. Where exactly are the four residences that will obtain moorage if the latest Corps permit is approved?
3. As far as the proposed LOP is concerned, the project proposes to install a grated platform boatlift just past the existing ramp where the existing pier begins from the shore. While grated, this platform lift will result in more over/in-water coverage than the proposed freestanding boatlifts. Please explain why a third free standing boatlift without a platform cannot be used to provide moorage instead of the proposed platform lift. It seems the jetski lift could be relocated and a third freestanding boatlift without a platform could be constructed where the jetski lift is proposed, resulting in a project with less impact than what is proposed.
4. The proposed LOP project also is seeking to replace 3- 12 inch diameter creosote wood mooring piles per dolphin for the two outermost dolphins shown on Sheet 2 as mitigation. What is the purpose of the mooring piles and associated log booms? Do these dolphins need to be replaced anyway? Why not replace the two most landward dolphins to get rid of some of the vertical structure in the nearshore environment?
5. Instead of the replacing the two existing dolphins with a single 12 inch diameter steel pile, we recommend that all of the dolphin mooring piles and log boom structure shown along the southern edge of the property in Sheets 2 and 3 be removed as mitigation for the increase in overwater coverage as a result of the new lifts and their associated watercraft. This mitigation measure would reduce inwater structure that potentially provides salmon predators with ambush habitat while meeting the project's purpose since the new lifts will be providing moorage at the existing dock.

We appreciate the opportunity and look forward to the Corps responses to our comments. We may have additional comments subsequently. Please let me know if you have any questions.

Thank you,
Karen Walter
Watersheds and Land Use Team Leader

Muckleshoot Indian Tribe Fisheries Division
39015 172nd Ave SE
Auburn WA 98092
253-876-3116

From: Alan Foltz
Sent: Thursday, August 26, 2010 9:55 AM
To: Peter Zuvela
Subject: FW: LOP NWS-2010-904, Barbee Mill Company boatlifts

From: Alan Foltz
Sent: Tuesday, August 17, 2010 3:56 PM
To: 'Powell, Susan M NWS'
Subject: RE: LOP NWS-2010-904, Barbee Mill Company boatlifts

Susan, In that you are on vacation this week, I am also mailing this response to your attention, along with the the site survey and photographs mentioned, supportive to our response, and Karen's questions.

We do not have any records on the former permit compliance, as built drawings, or follow through on the mitigation requirements. I hope that the photos I am mailing are supportive to our application for the lifts.

Please let me know if I can help in obtaining any details from Barbee Mill regarding the earlier permits.

I will be leaving Friday, returning on September 9th. I hope to hear from you at that time.

Sincerely, Alan
foltz@waterfrontconstruction.com

-----Original Message-----

From: Powell, Susan M NWS [mailto:Susan.M.Powell@usace.army.mil]
Sent: Tuesday, August 10, 2010 10:45 AM
To: Alan Foltz
Subject: FW: LOP NWS-2010-904, Barbee Mill Company boatlifts

Hi Alan, please respond to the comments/questions below from the Muckleshoot Tribe. Question #2 refers to the number of houses. I thought there was four, Karen thinks there's three, you said something about up to nine condos. Please provide further information on exactly what the housing situation is at the site. Thanks, Susan

-----Original Message-----

From: Karen Walter [mailto:KWalter@muckleshoot.nsn.us]
Sent: Monday, August 09, 2010 4:37 PM
To: Powell, Susan M NWS
Subject: LOP NWS-2010-904, Barbee Mill Company boatlifts

Susan,

The Muckleshoot Indian Tribe Fisheries Division has reviewed the above referenced Letter of Permission to install two boatlifts, a jetski lift and a platform lift to provide private boat moorage to four residences. We have some questions about this project and an initial comment as noted below:

1. Previously, the Corps issued a 404 permit to construct a joint-use pier and ramp to serve three waterfront lots and plant native shoreline

vegetation under permit 200200724 (Cugini). Were the native plants actually planted and is there a copy of the as-built drawings and/or monitoring plans for these plants? If so, we would appreciate a copy of these documents to verify the previous mitigation required for the pier and ramp.

- The joint use pier permits were established by others, not Waterfront Construction. From our understanding however, we can respond to the questions asked:
- There are four waterfront lots for the joint use pier. See Survey drawing shows Lots A through D.
- We do not have the associated planting plan, though have attached photos of the site today with plantings presumed to be in following of the planting plan.
- We do not have the pier as built drawings, however the Waterfront Construction permit drawings for the lifts represent the pier structure accurately.

2. As noted in the question above, the original joint pier was constructed to serve three waterfront lots. The pending Corps permit is to provide moorage for four residences. Where exactly are the four residences that will obtain moorage if the latest Corps permit is approved?

- Please see the attached survey showing the lot line adjustments and the four lots participating with the joint use pier.

3. As far as the proposed LOP is concerned, the project proposes to install a grated platform boatlift just past the existing ramp where the existing pier begins from the shore. While grated, this platform lift will result in more over/in-water coverage than the proposed freestanding boatlifts. Please explain why a third free standing boatlift without a platform cannot be used to provide moorage instead of the proposed platform lift. It seems the jetski lift could be relocated and a third freestanding boatlift without a platform could be constructed where the jetski lift is proposed, resulting in a project with less impact than what is proposed.

- The free standing platform lift is proposed as a safety measure to allow an intermediate elevation between the fixed pier height above OHW and the lake level in winter when the lake level is down approx. 2' from OHW. In winter, the lake level can be as much as 4'-7" from the pier decking, making it awkward, difficult, and unsafe for senior residence members to board small boats which are low to the water. There is very little impact from the proposed, as the platform is fully grated, as is the existing pier.

4. The proposed LOP project also is seeking to replace 3- 12 inch diameter creosote wood mooring piles per dolphin for the two outermost dolphins shown on Sheet 2 as mitigation. What is the purpose of the mooring piles and associated log booms? Do these dolphins need to be replaced anyway? Why not replace the two most landward dolphins to get rid of some of the vertical structure in the nearshore environment?

- The purpose of the existing piles and the log boom is to protect the moorage from southwest winter storms which are severe in the area, as the sea fetch extends all the way from the southwest side of lower Lake Washington in Renton.

Removal is not an option. The existing structures are in good condition. The proposed purpose is for the Corps RGPI required mitigation, as other options of the RGPI have been established on the site. The outer end of this protective system was elected solely for the mitigation, as with the south adjacent property being only 20'+/- away, there is little accessibility for a barge or equipment to work with the nearshore pylons.

5. Instead of the replacing the two existing dolphins with a single 12 inch diameter steel pile, we recommend that all of the dolphin mooring piles and log boom structure shown along the southern edge of the property in Sheets 2 and 3 be removed as mitigation for the increase in overwater coverage as a result of the new lifts and their associated watercraft. This mitigation measure would reduce inwater structure that potentially provides salmon predators with ambush habitat while meeting the project's purpose since the new lifts will be providing moorage at the existing dock.

- As mentioned in the original applications, removal of the existing protective log system is not an option for our client. It was elected as a viable form of mitigation for the proposed lifts, in that other mitigation for the property has already been applied to the site. With the deep water throughout the entire area for the proposed lifts, mostly at 20' depth, and at 10'+ at the nearshore end, the positive impact of your suggested handling is likely minimal to the effect that would result in shallow waters.

We appreciate the opportunity and look forward to the Corps responses to our comments. We may have additional comments subsequently. Please let me know if you have any questions.

Thank you,

Karen Walter

Watersheds and Land Use Team Leader

Muckleshoot Indian Tribe Fisheries Division

39015 172nd Ave SE

Auburn WA 98092

253-876-3116

From: Alan Foltz

Sent: Wednesday, August 18, 2010 9:20 AM

To: 'Powell, Susan M NWS'

Cc: 'Robert Cugini'

Subject: FW: LOP NWS-2010-904, Barbee Mill Company boatlifts

Hi Susan: When you return, in addition to yesterday's response regarding the Muckleshoot Tribe questions, please note the attached comment on performed mitigation from our client, and the two photos showing the mitigations completed with regard to the pier permitting. This should resolve any concerns of the Muckleshoot Tribe and Corps interests.

I'll be back on the 9th of September. Possibly this permit can be moving along and close to issue at that time.

Sincerely, Alan

foltz@waterfrontconstruction.com

Thank you Robert for your quick assistance with the above information and drawings. Susan is on vacation presently. The documentation should allow continuation and issue of the Corps Permit.

Regards, Alan

From: Robert Cugini [mailto:robertc@barbeemill.com]

Sent: Tuesday, August 17, 2010 5:25 PM

To: Alan Foltz

Subject: RE: LOP NWS-2010-904, Barbee Mill Company boatlifts

OK, here is the status, there were three houses built that relate to the pier. These had conditions of natural plantings and native buffers. We have met or exceeded all work that was required for both the houses and the pier construction. Additionally we vault and oil separate all storm water from the site. All native plantings are in and being maintained (See Attached pictures). Additionally all upland plantings outside of the buffers were also done in native plantings. I'm very happy with the results.

Additionally on adjoining lots there are two additional structures, a small house, we call the "Little House" which was the the original guard house for the Mill. It dates to the original use of the site around 1917. It was renovated about 15 years ago. Native plantings have been installed instead of lawn lakeside.

Additionally there is a Boat house on a separate lot which houses a 56 foot boat, At the very northern end which currently has all the permits necessary for a renovation. We are planning on doing this work the next available fish window that equipment is available. At this time no mitigation has been done because the work has not yet been started. There are mitigation measures required in these permits and we intend to do everything required. Michael Lloyd is handling that process and Baylis Architects are the project designers.

These are all separate legal properties. The permits for the dock relate to the three home constructed, as it was "Joint use" All mitigation requirement have been fulfilled, other than monitoring the health of the plant material, and replacing what the beaver chews up.

Let me know if you need any additional clarification.

Hope that helps